FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE

CRIMINAL APPLICATION NO.2807 OF 2006

Smt.Rajabai Kishor Pawar & Ors.)..Applicants
Versus
The State of Maharashtra)..Respondent

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders | Court's or Judge's orders

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Mr.S.S.Salunkhe for the applicants

Mr.K.V.Saste APP for the State.

Coram : R.S.Mohite,J

Date : 08.08.2006.

PC

1. This is an application for grant of anticipatory bail. The applicants are shown as accused in C.R.No.232/2006 registered by the Mohol Police station for alleged offences under Sections 306, 498-A, 323, 504 & 506 r/w 34 of IPC. The present 2 applicants are the mother-in-law and sister-in-law of the deceased Vanita. It appears that Vanita expired on 8.7.2006. There are 2 dying declarations of Vanita which are recorded. The first one is

recorded by the Executive Magistrate on the same day i.e. on 30.6.2006. The doctor was also present and he has given 2 endorsements regarding her being fully conscious at the beginning and the end of this document. Another dying declaration has been recorded by the police officer on the same day i.e. on 30.6.2006. In both these dying declarations deceased has given a statement that she caught fired because of flaring of the stove which she had pumped without opening the key. Vanita thereafter expired on 8.7.2006. Complaint is lodged 16 days thereafter by the father alleging ill-treatment. In view of the 2 concurrent dying declarations and in view of the very late FIR, I feel that this is an exceptional case where anticipatory bail can be granted. It may be mentioned here that in her dying declaration deceased has stated that her family life was happy and she did not blame anybody. It is therefore,

directed that in the event of arrest in connection with C.R.No.232/2006 registered by the Mohol police station, the applicants may be released on bail in the sum of Rs.5000/- each with one surety each in the like amount subject to the condition that they will report to the I.O. as and when called upon to do so in writing. Application stands disposed off.

(R.S.Mohite,J)